



North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

April 11, 2012

CERTIFIED MAIL # 7009 2250 0004 3265 7800
RETURN RECEIPT REQUESTED

Mr. Bartow Keller, General Manager
Republic Services, Inc.
5105 Morehead Road
Concord, North Carolina 28027

SUBJECT: **Notice of Violation**
Compliance Inspection Report
BFI-Charlotte Motor Speedway Landfill V
Permit # 13-04
Cabarrus County

Dear Mr. Keller:

On March 29, 2012, Charles Gerstell, Environmental Senior Specialist and I, representing the State of North Carolina, Division of Waste Management Solid Waste Section, inspected the above referenced facility for compliance with North Carolina Solid Waste Statues and Rules. Cotton Spry was present and represented BFI-Charlotte Motor Speedway Landfill V. The following violation was noted:

- A. **15A North Carolina Administrative Code 13B .1626(2)(a) states:** *Except as provided in Sub-Item (b) of this Item, the owners or operators of all MSWLF units must cover disposed solid waste with six inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging.*

Inadequate cover was observed on the eastern slope of Phase 3-Cell 2I where disposal operations had not occurred for at least one and half weeks. Also, inadequate cover was observed on top of Phase 3-Cell 2I to the south of the active working face where disposal operations had not occurred for at least one and half weeks. Waste was also observed piled at the end of a compactor push blade that had been stationary for one week. In addition, inadequate cover was observed on the western slope of the previous lift where disposal operations had not occurred since the previous week. The timeframes listed were confirmed by facility staff.

COMPLIANCE SCHEDULE

Based upon the foregoing, BFI-Charlotte Motor Speedway Landfill V shall come into compliance within **10 days** of receipt of this Notice of Violation with all requirements of the application regulations in 15A NCAC 13B .1626(2)(a) completing the following:

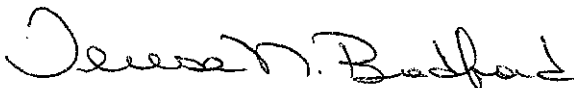
1. A minimum of six inches of earthen material must be provided to all inactive areas of Phase 3-Cell 2I.

In addition to the violation noted above, please be aware that windblown waste was observed on the eastern slope of Phase 3-Cell 2I. 15A NCAC 13B .1626(11)(c) requires that all windblown waste resulting from the operation be collected and returned to the landfill area at the conclusion of each operating day. While this issue was not as severe as the above violation at the time of the inspection, if not properly managed, windblown waste can lead to additional violations.

Failure to comply with this schedule may subject the facility and/or all responsible parties to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules. Pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701-.0707, an administrative penalty of up to \$15,000.00 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or an Order issued under Article 9 of Chapter 130A of the N.C. General Statutes.

If you have any questions, please contact me at (704) 235-2160 or e-mail teresa.bradford@ncdenr.gov.

Sincerely,



Teresa N. Bradford
Environmental Senior Specialist
Solid Waste Section

cc: Mark Poindexter, Field Operations Branch Head
Jason Watkins, Western District Supervisor
Shawn McKee, NCDENR-Solid Waste Section
Mike Gurley, Republic Services, Inc.

Enclosure: Facility Compliance Inspection Report